

S.R. 461 - by Snelson: Memorial resolution for Barry Scobee.

S.R. 462 - by Brooks: Memorial resolution for Joseph A. Polichino, Sr.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 453 - by Doggett: Extending welcome to Dr. Otis Moore.

S.R. 455 - by Doggett: Extending congratulations to Burlie Bradford.

S.R. 456 - by Doggett: Extending congratulations to O. T. Martin, Jr.

S.R. 457 - by Doggett: Extending welcome to Dr. Dalmo de Abreu Dallari.

S.R. 459 - by Williams: Inviting the American Legion to hold its national convention in Texas.

S.R. 460 - by Snelson: Extending congratulations to Mrs. Hilliard (Willie Reed) Rowe.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:24 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

(March 31, 1977)

S.C.R. 12

FORTY-SIXTH DAY

(Tuesday, April 5, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

The Reverend Jim Grattan, Simpson United Methodist Church, Austin, Texas, offered the invocation as follows:

O Lord, Our Lord, how majestic is Thy name in all the earth. Thou art our Almighty Father, King of Kings and Lord of all gathered here in the Senate Chamber. Grant that the hearts and minds of all our leaders, senators, statesmen, men and women of learning, of wealth and power may be so filled with the love of Thy laws, and of that which is righteous and life-giving, that they may be worthy stewards of Thy good and perfect gifts.

In this Holy Week may we remember our Savior who offered himself and gave His life for all of us. May we remember that the urgency of the day calls for leaders of wise judgment and sound integrity—leaders not in love with money and power, but in love with justice; leaders not in love with publicity, but in love with humanity; leaders who can subject their particular egos to the cause of the great State of Texas.

Through Our Lord and Savior, Jesus Christ. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

NOTICE OF LOCAL AND UNCONTESTED BILLS CALENDAR

On motion of Senator Adams and by unanimous consent, the Senate agreed to hold a Local and Uncontested Bills Calendar thirty minutes after adjournment tomorrow.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S.B. 613
S.C.R. 45
S.C.R. 53
H.B. 87
H.C.R. 46
H.C.R. 123

CO-AUTHOR OF SENATE BILL 585

On motion of Senator Ogg and by unanimous consent, Senator Mengden will be shown as Co-author of **S.B. 585**.

REPORTS OF STANDING COMMITTEES

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

H.B. 810
H.B. 926 (Amended)
S.B. 276
S.B. 522
S.B. 1210

S.B. 833

C.S.S.B. 569 (Read first time)

C.S.S.B. 907 (Read first time)

C.S.S.B. 943 (Read first time)

Senator Aikin submitted the following report for the Committee on Finance:

H.B. 694

H.B. 451

S.B. 124

Senator Brooks submitted the following report for the Committee on Human Resources:

S.B. 843

S.B. 927

S.B. 906

H.B. 230

H.B. 377

H.C.R. 1

C.S.S.B. 851 (Read first time)

Senator Moore submitted the following report for the Committee on State Affairs:

S.B. 1148

S.B. 418

S.B. 912 (Amended)

S.B. 949

S.B. 839

S.B. 592

H.B. 760

S.B. 1198 (Amended)

C.S.S.B. 834 (Read first time)

C.S.S.B. 428 (Read first time)

Senator Creighton submitted the following report for the Committee on Economic Development:

S.B. 966

S.B. 967

S.B. 965

S.B. 883

S.B. 867

S.B. 842

C.S.S.B. 857 (Read first time)

C.S.S.B. 639 (Read first time)

MESSAGE FROM THE HOUSE

House Chamber
April 5, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 75, Providing for Easter holidays for state departments and agencies.

S.C.R. 79, Recalling **S.B. 25** from Governor for corrections.

S.B. 23, A bill to be entitled An Act relating to fishing license requirements for certain residents of hospitals who fish for therapeutic purposes; amending Section 46.002, Parks and Wildlife Code. (With amendment.)

S.B. 303, Relating to the regulation of falconry and the protection and use of raptors; the following provisions of Chapter 49, Parks and Wildlife Code, are added or amended; Section 49.003, Section 49.004, Section 49.0045, Section 49.0047, Section 49.005, Section 49.006, Section 49.007, Section 49.011, Section 49.014, and Section 49.015.

S.B. 360, Amending Section 4 (2) of Chapter 166, Acts of the 63rd Legislature, Regular Session, as amended by Chapter 143, Acts of the 64th Legislature, Regular Session (Article 1435 a, Vernon's Texas Civil Statutes) by adding a provision to said Section 4 (2) to prohibit the exercise of the power of eminent domain for the purpose of taking oil, gas, lignite, coal, sulphur, uranium, plutonium, or any mineral, whether in place, or in the process of being mined and produced, or whether mined and produced, for use in connection with the acquisition, ownership, operation and maintenance of an electric facility; providing that such prohibition shall supercede any contrary authority conferred or granted, express or implied, in or by any other statute, containing a severability clause; and declaring an emergency. (With amendment.)

S.B. 459, Relating to certain lump-sum payments to certain firemen and policemen on termination of service; amending Section 26(b), Chapter 325, Acts of the 50th Legislature, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes). (With amendment.)

H.B. 300, A bill to be entitled An Act relating to the creation of the Metric System Advisory Council and the study of a transition to the metric system; and declaring an emergency.

H.B. 625, A bill to be entitled An Act relating to the lease of space for state agencies; amending Chapter 258, Acts of the 48th Legislature, 1943, as amended (Article 666b, Vernon's Texas Civil Statutes).

H.B. 633, A bill to be entitled An Act relating to classification of air carriers and exemption of certain carriers from regulation; amending Subdivision 3, Section 6, Chapter 344, Acts of the 49th Legislature, Regular Session, 1945, as amended (Article 46c-6, Vernon's Texas Civil Statutes), by adding Paragraph (b-1).

H.B. 704, A bill to be entitled An Act relating to the licensing of certain insurance agents; amending Subsection (b) of Section 4 and Section 10 of and adding Subsection (e) to Section 4 of Chapter 213, Acts of the 54th Legislature, 1955, as amended (Article 21.07-1, Vernon's Texas Insurance Code); and declaring an emergency.

H.B. 706, A bill to be entitled An Act relating to the application fees, appointment fees, and renewal fees for certain insurance agents' licenses; amending Subsection (c) of Section 4, Subsection (a) of Section 8, and Subsection (d) of Section 9, Chapter 213, Acts of the 54th Legislature, 1955, as amended (Article 21.07-1, Vernon's Texas Insurance Code); and declaring an emergency.

H.B. 1490, Relating to the cost of examining certain licensed lenders and pawnbrokers; amending Article 3.08, Title 79, Revised Civil Statutes of Texas, 1925 (Article 5069-3.08, Vernon's Texas Civil Statutes); amending Section 8, Texas Pawnshop Act (Article 5069-51.08, Vernon's Texas Civil Statutes).

H.B. 880, A bill to be entitled An Act relating to the responsibility of parents for the expense of hospitalization of children in state mental hospitals; amending Section 2, Chapter 152, Acts of the 45th Legislature, Regular Session, 1937 (Article 3196a, Vernon's Texas Civil Statutes).

H.B. 918, A bill to be entitled An Act relating to the membership of the State Depository Board; amending Article 2525, Revised Civil Statutes of Texas, 1925, as amended.

H.B. 888, A bill to be entitled An Act relating to the vote required to amend the eligibility and benefit requirements in and to make comprehensive amendments to the firemen, policemen, and fire alarm operators' pension system; amending Subsections B and G of Section 11A and Subsections A and F of Section 11B, Chapter 4, Acts of the 43rd Legislature, 1st Called Session, 1933, as amended (Article 6243a, Vernon's Texas Civil Statutes).

H.B. 1181, To be known as the "Texas Caverns Act"; relating to the defacing, damaging and polluting of caves; the sale of speleothems; excavations; and providing penalties.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House, were read the first time and referred to the Committee indicated:

- H.B. 893**, To Committee on State Affairs.
- H.B. 817**, To Committee on Human Resources.
- H.B. 705**, To Committee on Economic Development.
- H.B. 609**, To Committee on Jurisprudence.
- H.B. 567**, To Committee on Natural Resources.
- H.B. 557**, To Committee on Jurisprudence.
- H.B. 532**, To Committee on State Affairs.
- H.B. 179**, To Committee on Human Resources.
- H.B. 128**, To Committee on State Affairs.
- H.B. 70**, To Committee on Economic Development.
- H.B. 1222**, To Committee on Jurisprudence.
- H.B. 1357**, To Committee on Natural Resources.
- H.B. 1319**, To Committee on Intergovernmental Relations.

H.B. 1429, To Committee on Natural Resources.

H.C.R. 52, To Committee on Administration.

H.C.R. 101, To Committee on Natural Resources.

SENATE BILL AND RESOLUTION ON FIRST READING

By unanimous consent, the following bill and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 1230 by Lombardino Finance
Relating to proration of occupation taxes paid by certain owners of coin-operated machines; amending Subsections (1) and (2), Article 13.02, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended.

S.R. 471 by Schwartz Natural Resources
Instructing the Texas Coastal and Marine Council to undertake an assessment of the need to create a perpetual care fund to insure that non-nuclear waste storage sites can be properly maintained.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
April 5, 1977

TO THE SENATE OF THE SIXTY-FIFTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be a Member of the TEXAS BOARD OF CORRECTIONS: For a six-year term to expire February 15, 1983: Mr. T. Louis Austin, Jr. of Dallas, Dallas County is being reappointed; Mr. Joe LaMantia of McAllen, Hidalgo County is being reappointed; Mr. Fred W. Shield of San Antonio, Bexar County is being reappointed.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

SENATE CONCURRENT RESOLUTION 81

Senator Clower offered the following resolution:

S.C.R. 81, Authorizing the transfer of certain legislative records to Southern Methodist University.

The resolution was read.

On motion of Senator Clower and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE BILL 360 WITH HOUSE AMENDMENTS

Senator Moore called **S.B. 360** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend Senate Bill No. 360 by striking all below the enacting clause and substituting the following:

Section 1. Subdivision (4), Section 2, Chapter 166, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1435a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(4) 'Electric facilities' means any facilities necessary or incidental to the generation of electric power and energy or the transmission thereof, including electric generating units, electric generating plants, electric transmission lines, plant sites, rights-of-way, and real and personal property and equipment and rights of every kind ~~useful~~ in connection therewith."

Sec. 2. Subdivision (2), Section 4, Chapter 166, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1435a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(2) Each participating public entity and each participating private entity shall have the right and power to acquire, for the use and benefit of all participating entities, by purchase or through the exercise of the power of eminent domain, lands, easements, and properties for the purpose of jointly owned electric facilities, and shall have the power to transfer or convey such lands, easements, and properties, or interests therein, or otherwise to cause such lands, easements, and properties, or interests therein, to become vested in other participating entities to the extent and in the manner agreed between the participating entities. In all cases in which a participating entity exercises the right and power of eminent domain conferred hereby, it shall be controlled by the law governing the condemnation of property by incorporated cities and towns in this state, and the right and power of eminent domain hereby conferred shall include the right and power to take the fee title in land so condemned, except that no participating entity has the right or power to take by the exercise of the power of eminent domain any electric facilities, or interest therein, belonging to any other entity, or the power to take land or any interest therein, by exercise of the power of eminent domain, for the purpose of drilling for, mining, or producing from said land, any oil, gas, geothermal, geothermal/geopressured, lignite, coal, sulphur, uranium, plutonium, or other minerals belonging to another, whether the same be in place, or in the process of being mined and produced, or mined or produced. Provided, however, this provision shall not impair the right of any such entity to acquire full title to real property for plant sites, including cooling reservoirs, and related surface installations and equipment."

Sec. 3. Subsections (o) and (r), Section 4a, Chapter 166, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 1435a, Vernon's Texas Civil Statutes), are amended to read as follows:

"(o) The agency may adopt, and from time to time amend, rules and regulations to govern the operation of the agency, its employees, facilities, and service, but contracts for the construction of improvements which involve the expenditure of more than \$20,000 shall be awarded by the agency only after notice of intent to receive competitive bids has been published once a week for two

consecutive weeks in a newspaper of general circulation in the state, the date of the first publication being at least 14 days prior to the date set for the receipt of bids, but contracts awarded by another entity ~~(or agent thereof)~~, which is a joint owner of the facilities to be constructed or an agent of any of the joint owners shall be let under its contracting procedures. An entity may negotiate and enter into contract for the purchase of electric energy from the agency and payments for such energy purchased shall be an operating expense of the electric system of the purchaser."

"(r) Bonds and notes issued under the provisions of this Act, and coupons, if any, representing interest thereon, when made payable from (i) revenues of the agency, or (ii) anticipated bond proceeds shall when delivered be deemed and construed to be a 'security' within the meaning of Chapter 8, Investment Securities, of the Uniform Commercial Code (Chapter 785, Acts of the 60th Legislature, Regular Session, 1967), and shall constitute obligations which must be submitted to the attorney general under the provisions of Subsection (1) of this section. Nonnegotiable purchase money notes, payable in installments, issued by the agency for the acquisition of land or fuel resources shall not be a security or obligation within the aforesaid provisions; such notes shall be secured by the properties being acquired, with the right in the agency to substitute collateral, and may be further secured by a pledge and undertaking to thereafter issue bonds or bond anticipation notes for their ultimate payment. Bond anticipation notes may be issued, with the same limitations and conditions prescribed herein for bonds, for any purpose for which the agency may issue bonds or for the purpose of refunding or paying off previously issued bond anticipation notes or nonnegotiable purchase money notes, and the agency may covenant with the purchaser of bond anticipation notes that the proceeds of one or more particular series of bonds will be used to provide for the ultimate payment or refunding of such notes."

Sec. 4. All agreements heretofore executed on behalf of a municipal power agency for the purchase of land or fuel resources on an installment sale basis and all agreements by an agency for the sale of electric energy which have been approved by the attorney general, are hereby validated, ratified, and confirmed. All concurrent ordinances providing for the creation of a municipal power agency under the provisions of this Act which have been approved by the attorney general are hereby validated, ratified, and confirmed.

Sec. 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Floor Amendment No. 2

Amend Senate Bill No. 360 by striking the word "essential" as it appears in line 15 after the word property on page 2.

The amendments were read.

Senator Moore moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 360** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Moore, Harris, McKnight, Creighton, and Mengden.

SENATE BILL 543 WITH HOUSE AMENDMENT

Senator Traeger called **S.B. 543** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend Senate Bill 543 by adding a new section following Section 8 thereof, such new section to be numbered Section 9, and by renumbering the remaining sections thereof as Sections 10 and 11, respectively. The new paragraph 9 reads as follows:

Section 9. Chapter 75, Acts of the Regular Session of the 50th Legislature, as amended (Article 6243h, Vernon's Texas Civil Stats.) is amended by adding a new section, to be numbered Section XIX, and reading as follows:

"Section XIX. Optional Supplemental Death Benefits.

"1. Establishment of Supplemental Death Benefits Fund.

"(a) The Board of Trustees shall establish in addition to the several Funds listed in Section V, an additional and separate Fund to be known as the 'Supplemental Death Benefits Fund' to provide for payment of supplemental death benefits upon the terms and conditions hereinafter stated.

"(b) The Supplemental Death Benefits Fund and the coverage authorized under this Section shall not become operative until a sufficient number of municipalities elect to participate in the Fund to cover into the Fund at least four thousand members of the System. The Board shall determine the operative date, and shall furnish to municipalities which have elected to participate in the Fund notice of the effective date of their participation in the Fund, which shall not precede the operative date of the Fund. Municipalities electing to participate in the Fund after the operative date may begin participation on the first day of any calendar month following notification to the Board of its election to enter the Fund.

"2. Participation in Fund by Municipalities.

"(a) Any municipality which has one or more of its departments participating in this System, on a full-salary basis may, by action of its governing body, elect to participate in the Supplemental Death Benefits Fund for the purpose of providing for its current employees who are members of the System an in-service death benefit described below, and, if the municipality shall further elect such additional coverage, providing the post-retirement death benefits described below for annuitants of the System who were employees of such municipality at time of retirement. If the municipality has less than ten employees who are members of the System, the Board may require evidence satisfactory to the Board of the good health of such members prior to permitting such municipality to participate in the Fund.

"(b) Any municipality may elect to discontinue participation in the Supplemental Death Benefits Fund and terminate the coverage herein provided for, effective January 1 of any year by giving the System written notice of its intention to

discontinue not later than October 31st preceding the date of termination. The Board of Trustees shall have the right to place such restrictions as it deems proper upon the right of that municipality to again participate in the Fund, if it has previously discontinued participation in the Fund.

3. In-service Death Benefits.

“(a) Conditions and Amount of Payment. In the event of the death of a covered member while in service as an employee of a municipality participating in the Supplemental Death Benefits Fund, or while such member is covered by Extended Supplemental Death Benefit protection as hereinafter provided, there will be paid from the Fund a cash benefit equal in amount to the current annual salary of the member. The current annual salary shall be the amount actually paid to such employee as compensation for services and on which contributions were made to the System during the period of twelve calendar months preceding the month of death. If the employee has been employed for a lesser period, the current annual salary shall be determined by converting to an annual basis the compensation which was actually paid to the member and on which contributions were made to the System for the period of his actual employment. If the employee received no compensation for services during the period of twelve calendar months preceding the month of death, the current annual salary shall be determined by converting to an annual basis the compensation paid during the month of death. For the member who is covered by Extended Supplemental Death Benefit protection, the current annual salary shall be computed as described above and as if the member had died during the first month of such protection. The Board shall have the power to require such proof of amounts of compensation and periods of employment as it deems necessary.

“(b) Period of coverage. A person employed by a participating municipality will be covered for in-service supplemental death benefits effective on the first day of the first month during which all of the following requirements are satisfied:

“(i) the employing municipality is participating in the Supplemental Death Benefits Fund for coverage of all System members in its employment;

“(ii) the employee is a member of the System; and

“(iii) the employee-member is obligated to make a contribution to the System.

“Coverage once established will continue in effect during each month thereafter in which all of the above requirements are satisfied as to the employee-member involved; coverage terminates (unless the member qualifies for extended supplemental death benefit protection) on the last day of any month in which the person involved fails to satisfy all of the above requirements. However, in no event will coverage continue beyond the date of termination of such coverage by the municipality, or beyond the date of termination of membership in the System.

“If a member makes deposits to the System during the same month as an employee of more than one municipality participating in the Fund, a death benefit will be payable only on the basis of the member’s employment in such municipality for which he last worked.

“(c) Extended Supplemental Death Benefit Protection.

“A member covered for in-service supplemental death benefits who fails in a succeeding month to earn compensation for service to a municipality participating in this Fund, may be granted Extended Supplemental Death Benefit protection despite failure to make a contribution to the System, provided the member applies for such extended coverage, and submits proof satisfactory to the Board;

“(i) that as a result of illness or injury the member is unable to engage in any gainful employment; and

“(ii) that the member made to the System a required contribution as an employee of a municipality participating in the Supplemental Death Benefits Fund for the month preceding the first entire month for which the Board finds the member to have been unable to engage in any gainful employment.

"The Extended Supplemental Death Benefit protection once approved by the Board, shall continue for such member until the end of the month in which occurs the first of the following events:

"(i) the member returns to work as an employee of a participating municipality; or,

"(ii) the Board finds that the member has become able to engage in gainful employment; or,

"(iii) the person ceases to be a member of the System; or

"(iv) the member retires under the provisions of this Act.

"The Board may require that satisfactory proof of continued inability to engage in gainful occupation be submitted once every twelve months, and the Board may require the member to submit to examination by physicians designated by the Board as a condition to granting or continuation of such extended protection. Failure of a member to submit to an examination shall be sufficient grounds for finding that the member has become able to engage in gainful employment.

4. Post-Retirement Death Benefits.

In the event that the municipality for which an annuitant was last employed as a member of the System has elected to provide post-retirement supplemental death benefits, and such annuitant shall die while such coverage under the Supplemental Death Benefits Fund is maintained in effect by such municipality, there shall be paid from the Fund a cash benefit in the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

No benefit shall be payable by reason of death of annuitant subsequent to the date of termination of such coverage by the municipality by which the annuitant was last employed as a member of the System.

"5. Contributions Required of Municipalities Participating in Fund.

"(a) Board to Adopt Tables and Rates. Based upon the recommendations of the actuary, the Board shall adopt, to become effective on the date that the Supplemental Death Benefits Fund and the coverage under this Section become operative, such rates and tables as are considered necessary to determine the Supplemental Death Benefits contribution rates required of each municipality. As soon as is practical after the establishment of the Supplemental Death Benefits program and periodically thereafter as part of each general investigation of the mortality and service experience of the members and annuitants of the System, the actuary shall make such investigation of the mortality experience of the members and eligible annuitants participating in the Supplemental Death Benefits program as is deemed necessary, and on the basis of such investigation, shall recommend for adoption by the Board such rates and tables as are considered necessary to determine Supplemental Death Benefits contribution rates.

The rates and tables recommended by the actuary and adopted by the Board may provide for the anticipated mortality experience of persons covered under the Fund, and for a contingency reserve.

"(b) Contribution Rates for Supplemental Death Benefits. At the beginning of each municipality's participation in the Supplemental Death Benefits Fund, the actuary shall calculate the Supplemental Death Benefits contribution rate applicable to the municipality for the remainder of that calendar year, and thereafter shall calculate the rate applicable for each succeeding calendar year for participation in the Fund. The rate of contribution shall be calculated on the basis of the rates and tables adopted by the Board and effective for the period for which such determination is made, and shall be expressed as a percentage of earnings of members of the System employed by such municipality.

"Each municipality participating in the Supplemental Death Benefits Fund shall make monthly contributions to the Fund in an amount determined by multiplying the Supplemental Death Benefits contribution rate applicable to such

municipality (as calculated by the actuary and approved by the Board) by all earnings during the month of members of the System employed by such municipality.

"Such contributions shall be in addition to, and shall not be included within the limitations prescribed in other sections of this act on the rate of contribution which may be made by the participating municipality for benefits under the System.

6. Operation of Supplemental Death Benefits Fund.

"All Supplemental Death Benefits contributions required of and paid in by municipalities participating in the Supplemental Death Benefits Fund shall be credited to said Fund, and not to separate accounts of the municipalities participating therein. All Supplemental Death Benefits payable under the provisions of this section shall be paid from said Fund, and shall be obligations only of said Fund, and not of other funds of the System.

"If at any time, the amount of benefit payments due from the Supplemental Death Benefits Fund exceeds the balance of such Fund, the Board may direct that funds be transferred from the Endowment Fund General Reserves Account (to the extent that such moneys are available) to the Supplemental Death Benefits Fund in such amounts as are necessary to cover the deficiency; and the Board may provide for adjustments in future contributions to the Supplemental Death Benefits Fund such as may be required to restore to the General Reserves Account of the Endowment Fund the amounts theretofore transferred to the Supplemental Death Benefits Fund.

"The Supplemental Death Benefits Fund shall be managed, controlled and handled as are other funds of the System. Regular interest shall be allowed by the Board on December 31st in each year on the mean amount in the Fund during the year, and the sum so allowed shall be transferred to the Supplemental Death Benefits Fund from the Interest Fund at the time and in the manner in which interest is allowed to other interest-bearing funds of the System.

7. Discontinuance of Fund.

"If the total number of members covered under the Fund becomes less than 4,000, the Board may order the Fund to be discontinued and all coverage terminated at the end of a calendar year as designated by the Board; provided, that no such termination date shall be fixed that is less than six months beyond the date of adoption of the order of termination.

"8. Reinsurance of Certain Risks.

"The Board is authorized, if in its judgment such action is necessary, to secure reinsurance from one or more stock insurance companies doing business in this State, to protect against adverse claim experience. Premiums for such reinsurance shall be paid from the Supplemental Death Benefits Fund.

"9. Beneficiaries of Supplemental Death Benefits.

"Unless the member shall otherwise direct, on written forms adopted by the Board, the Supplemental Death Benefit shall be paid:

"(a) to such person as a covered member has designated as the beneficiary to whom his accumulated contributions shall be paid; or

"(b) to such person as a covered annuitant has designated as the person to whom any remaining payments of the benefit are to be continued after death of the annuitant.

"If no designated beneficiary survives the covered member, or covered annuitant, as the case may be, the Supplemental Death Benefit shall be paid to his or her estate.

The amendment was read.

Senator Traeger moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31. Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 625 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 625, Relating to the regulation of public grain warehouses; amending the Texas Grain Warehouse Act, as amended (Article 5577b, Vernon's Texas Civil Statutes), as follows: amending Subsection (d) Section 2, Subsections (b) and (c) of Section 7, Section 15, and Section 25, and adding Subsections (k), (l), and (m) to Section 2 and Subsections (d) and (e) to Section 20.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 625 by striking all of Sec. 7 and substituting in lieu thereof the following:

"Sec. 7. This Act shall take effect on June 1, 1977."; and by adding a new Sec. 8 to read as follows:

"Sec. 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended and this Act take effect according to its terms.

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 625 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 625** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 685 ON SECOND READING

Senator Harris asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 685, An Act amending Chapter 1, Subtitle 1, Title 79, Revised Civil Statutes of Texas, 1925 (Articles 5609-1.01 to 1.06, Vernon's Texas Civil Statutes), by adding thereto a new article to be identified and codified as Article 5069-1.09, relative to obligations guaranteed or insured by agencies of the United States of America; containing a savings clause and declaring an emergency.

There was objection.

Senator Harris then moved to suspend the regular order of business and take up **C.S.S.B. 685** for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Sherman, Snelson, Traeger, Williams.

Nays: Mauzy, Patman, Schwartz, Truan.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Patman, Mauzy, and Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 685 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 685** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Sherman, Snelson, Traeger, Williams.

Nays: Mauzy, Patman, Schwartz, Truan.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Sherman, Snelson, Traeger, Williams.

Nays: Mauzy, Patman, Schwartz, Truan.

COMMITTEE SUBSTITUTE SENATE BILL 688 ON SECOND READING

Senator Harris asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 688, An Act to amend Article 21.49-1 of the Insurance Code, as enacted by the 62nd Legislature, Acts 1971, page 1334, Chapter 356, known as the Insurance Holding Company System Regulatory Act; and declaring an emergency.

There was objection.

Senator Harris then moved to suspend the regular order of business and take up **S.B. 688** for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

Absent: Schwartz.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 688 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 688** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

Absent: Schwartz.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

Absent: Schwartz.

COMMITTEE SUBSTITUTE SENATE BILL 689 ON SECOND READING

Senator Harris moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 689, To amend Section 7 of Article 21.25 and Section 1 of Article 21.26, Insurance Code of Texas, as amended by the 57th Legislature, Acts 1961, p. 593, Ch. 284, to provide for the purchase of the stock of an insurance company for purposes of merger, consolidation or reinsurance agreements; and declaring an emergency.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

Absent: Schwartz.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 689 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 689** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

SENATE CONCURRENT RESOLUTION 4 ON SECOND READING

Senator Mengden moved to suspend the regular order of business to take up for consideration at this time:

S.C.R. 4, Memorializing Congress to oppose repeal of right-to-work laws.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Taylor, Lombardino, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger.

Nays: Brooks, Jones of Harris, Kothmann, Longoria, Mauzy, Parker, Schwartz, Truan, Williams.

The President then laid the resolution before the Senate on its second reading and passage to engrossment.

The resolution was read second time.

Senator Mengden offered the following committee amendment to the resolution:

Amend S.C.R. 4 by striking paragraphs 1 and 2.

The committee amendment was read.

On motion of Senator Ogg and by unanimous consent, the committee amendment was withdrawn.

Senator Mengden offered the following amendment to the resolution:

WHEREAS, during the recent session, the State of Texas consistently maintained an unemployment rate at a level one-third below the national average, while new jobs in private business and industry in Texas increased at a rate two and one-half times greater than that of the nation; and

WHEREAS, during the first eleven (11) months of last year approximately 135 industries established new plants in Texas and another 200 existing plants were expanded; and

WHEREAS, during the second half of 1976 more Texans were gainfully employed than at any time in our history; and

WHEREAS, this outstanding economic performance and posture can be directly attributed to the absence of any form of the economically crippling union shop or agency shop arrangements which restrict productive output and serve as a gross infringement upon the labor markets of thirty-one (31) states; and

WHEREAS, one of the basic principles of the Constitution of the State of Texas and the United States Constitution is the freedom to choose one's livelihood; and

WHEREAS, neither Constitution in any form or fashion requires that a citizen must by contractual mandate join or financially support any union organization in order to be employed; and

WHEREAS, Any form of compulsory unionism or nonunionism is completely repugnant to the freedom of choice, as every working man should decide for himself if he wants to join a union or not; and

WHEREAS, No one should ever lose his job because he declined to join a labor union, a church, a civic club, a political party, or any other private organization; and

WHEREAS, Section 14(b) of the Taft-Hartley Act of 1947 permits individual states to enact right-to-work laws that prohibit union shop and agency shop arrangements; and

WHEREAS, Texas and nineteen (19) other states have passed such laws; and

WHEREAS, Serious attempts will be made in the United States Congress to repeal Section 14(b) in order to void all of the state right-to-work laws and thus result in the emergence of an economically stifling compulsory unionism in Texas; now, therefore be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 65th Legislature of the State of Texas hereby memorialize the Congress of the United States to oppose repeal of Section 14(b) of the Taft-Hartley Act of 1947; and, be it further

RESOLVED, That copies of this resolution be prepared and forwarded to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, and to all members of the Texas delegation to the congress with the request that this resolution be officially

entered in the Congressional Record as a memorial to the Congress of the United States of America.

MENGDEN
MOORE
CREIGHTON
McKNIGHT
OGG
BRAECKLEIN
HANCE
TRAEGER
LOMBARDINO
MEIER
HARRIS
FARABEE
JONES OF TAYLOR
ANDUJAR
SNELSON

The amendment was read and was adopted.

RECORD OF VOTES

Senators Mauzy and Parker asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Mengden and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was adopted.

RECORD OF VOTES

Senators Mauzy and Parker asked to be recorded as voting "Nay" on the adoption of the resolution.

COMMITTEE SUBSTITUTE SENATE BILL 653 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 653, Relating to the authority of Travis County to enact ordinances and regulate construction and development in unincorporated areas of the county; providing penalties.

The bill was read second time.

Senator Doggett offered the following amendment to the bill:

Amend **C.S.S.B. 653** by designating the existing text of Section 15 as Subsection (a) of that section and adding a Subsection (b) to read as follows:

(b) This Act provides complete authority for the exercise of the powers it delegates to the Commissioners Court of Travis County. Within the area to which this Act applies, this Act prevails over any conflicting or inconsistent law on the same subject, including any law of statewide application enacted during the same legislative session.

The amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 17, Nays 12.

Yeas: Adams, Aikin, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Lombardino, Longoria, Mauzy, Patman, Santiesteban, Schwartz, Sherman, Snelson, Truan.

Nays: Andujar, Braecklein, Brooks, Creighton, Harris, Kothmann, Meier, Mengden, Ogg, Parker, Traeger, Williams.

Absent: McKnight, Moore.

COMMITTEE SUBSTITUTE SENATE BILL 939 ON SECOND READING

On motion of Senator Sherman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 939, Relating to the civil liability and penalties for contracting for, charging or receiving certain interest, time price differential or other charges and for failing to perform certain duties in consumer credit transactions; amending Chapter 8 and Article 14.19 of Chapter 14, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Article 5069-8.01 et seq., and Article 5069-14.19, Vernon's Texas Civil Statutes); providing penalties; providing a severability clause; and declaring an emergency.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 939 ON THIRD READING

Senator Sherman moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 939** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: McKnight, Mengden, Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE BILL 742 ON SECOND READING

On motion of Senator Jones of Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 742, Amending Sections 8.13, 8.14, 8.15 and 8.16 and adding a new Section 8.18 to Chapter Eight, amending Section 10.03 of Chapter Ten, amending Section 11.18 and adding new Sections 11.19 and 11.20 to Chapter Eleven of Chapter 113, Acts of the 58th Legislature (Article 852a, Vernon's Texas Civil Statutes) as amended, authorizing the Savings and Loan Commissioner to issue cease and desist orders and removal of directors and officer orders in certain instances, etc., and declaring an emergency.

The bill was read second time.

Senator Jones of Taylor offered the following committee amendment to the bill:

Amend Senate Bill 742 on the introductory copy on page 3, line 12 by striking the word "public."

The committee amendment was read and was adopted.

Senator Jones of Taylor offered the following committee amendment to the bill:

Amend Senate Bill 742 on the introductory copy on page 7, line 27 by striking the word "may" and substituting the word "shall."

The committee amendment was read and was adopted.

On motion of Senator Jones of Taylor and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Adams asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 742 ON THIRD READING

Senator Jones of Taylor moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 742** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Aikin, Andujar, Bracklein, Brooks, Clower, Creighton, Doggett, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Adams, Farabee.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Adams, Farabee, Hance.

SENATE BILL 762 ON SECOND READING

On motion of Senator McKnight and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 762, Relating to the protection of drinking water supplies; providing penalties; amending Chapter 178, Acts of the 49th Legislature, 1945, as amended (Article 4477-1, Vernon's Texas Civil Statutes), by amending Subsection (c) of Section 5, Subsection (c) of Section 11, and Section 24; adding Subsection (b) to Section 23 and adding Section 25.

The bill was read second time and was passed to engrossment.

SENATE BILL 762 ON THIRD READING

Senator McKnight moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 762** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 821 ON SECOND READING

On motion of Senator Snelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 821, Relating to autopsies on children who die suddenly and unexpectedly; recognition of the term "Sudden Infant Death Syndrome" as a cause of death certification when appropriate; directing the Texas Department of Health Resources to develop a program outline for consultation and information about "SIDS"; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 821 ON THIRD READING

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 821** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 70 ON SECOND READING

Senator Lombardino asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 70, Authorizing honorably retired peace officers to carry handguns; relating to the termination of such authorization under certain conditions; amending Section 46.03, Penal Code, as amended.

There was objection.

Senator Lombardino then moved to suspend the regular order of business and take up **C.S.S.B. 70** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Aikin, Andujar, Braecklein, Brooks, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Mcier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Adams, Clower, Creighton, Mauzy, Sherman.

Absent: Moore.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Mauzy, Sherman, and Hance asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE SENATE BILL 70 ON THIRD READING**

Senator Lombardino moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 70** be placed on its third reading and final passage.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members present): Yeas 23, Nays 7.

Yeas: Aikin, Andujar, Braecklein, Brooks, Doggett, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Adams, Clower, Creighton, Farabee, Mauzy, Parker, Sherman.

Absent: Moore.

SENATE BILL 376 ON SECOND READING

On motion of Senator Hance and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 376, Relating to the defense of and payment of damages in certain causes of action against certain state officers and employees; amending Subsection (a), Section 1, Chapter 309, Acts of the 64th Legislature, Regular Session, 1975 (Article 6252-26, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to engrossment.

SENATE BILL 376 ON THIRD READING

Senator Hance moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 376** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Clower.

Absent: Creighton, Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 48 ON
SECOND READING**

Senator McKnight moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.J.R. 48, Proposing a constitutional amendment repealing Article III, Section 51-b, of the Texas Constitution, relating to the State Building Commission and the State Building Fund, and providing for disposition of that Fund.

The motion prevailed by the following vote: Yeas 23, Nays 6.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Jones of Harris, Jones of Taylor, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Parker, Patman, Santiesteban, Schwartz, Sherman, Truan, Williams.

Nays: Andujar, Doggett, Harris, Kothmann, Ogg, Snelson.

Absent: Moore, Traeger.

(Senator Mauzy in Chair)

The Presiding Officer then laid the resolution before the Senate on its second reading and passage to engrossment.

The resolution was read second time and was passed to engrossment by the following vote: Yeas 24, Nays 5.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Parker, Patman, Santiesteban, Schwartz, Sherman, Truan, Williams.

Nays: Andujar, Doggett, Kothmann, Ogg, Snelson.

Absent: Moore, Traeger.

**COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 48 ON
THIRD READING**

Senator McKnight moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.J.R. 48** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Andujar, Doggett, Kothmann, Ogg, Snelson.

Absent: Moore.

The Presiding Officer then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Andujar, Doggett, Kothmann, Ogg, Snelson.

Absent: Moore.

COMMITTEE SUBSTITUTE SENATE BILL 759 ON SECOND READING

Senator McKnight asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 759, Relating to transferring the statutory powers and duties of the State Building Commission to the State Board of Control; and declaring an emergency.

There was objection.

Senator McKnight then moved to suspend the regular order of business and take up **C.S.S.B. 759** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Doggett, Kothmann, Ogg, Snelson.

Absent: Moore.

The Presiding Officer then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment by the following vote: Yeas 27, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Doggett, Kothmann, Ogg, Snelson.

COMMITTEE SUBSTITUTE SENATE BILL 759 ON THIRD READING

Senator McKnight moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 759** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Doggett, Kothmann, Ogg, Snelson.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Doggett, Kothmann, Ogg, Snelson.

COMMITTEE SUBSTITUTE SENATE BILL 629 ON SECOND READING

On motion of Senator Ogg and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 629, Relating to the approval by existing school districts of the acquisition of control of school districts by cities; amending Subsection (a), Section 19.161, Texas Education Code.

The bill was read second time and was passed to engrossment.

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 629 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 629** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Question - Shall the bill be finally passed?

COMMITTEE SUBSTITUTE SENATE BILL 198 ON SECOND READING

Senator Meier asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 198, Relating to protective headgear for motorcycle riders; amending Section 2, Chapter 329, Acts of the 60th Legislature, Regular Session, 1967 (Article 6701c-3, Vernon's Texas Civil Statutes).

There was objection.

Senator Meier then moved to suspend the regular order of business and take up **C.S.S.B. 198** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Adams, Aikin, Andujar, Braecklein, Creighton, Doggett, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Parker, Patman, Santiesteban, Sherman, Snelson, Traeger, Truan.

Nays: Brooks, Clower, Farabee, Hance, Ogg, Schwartz, Williams.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Williams and Hance asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 198 ON THIRD READING

Senator Meier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 198** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Creighton, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Sherman, Snelson, Traeger, Truan.

Nays: Brooks, Clower, Hance, Schwartz, Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Parker, Patman, Santiesteban, Sherman, Snelson, Traeger, Truan.

Nays: Brooks, Farabee, Hance, Ogg, Schwartz, Williams.

CONFERENCE COMMITTEE ON HOUSE BILL 34

Senator Clower called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on **H.B. 34** and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **H.B. 34** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Clower, Harris, Braecklein, Jones of Harris, and Meier.

MEMORIAL RESOLUTIONS

S.C.R. 82 - By Schwartz: Memorial resolution for James J. Flanagan, Jr.

S.R. 472 - by Schwartz: Memorial resolution for Edward Goodwin "Eddie" Knowles.

S.R. 473 - by Schwartz: Memorial resolution for Robert Warren Seffler.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 464 - by Doggett: Extending welcome to Reverend Jim Grattan.

S.R. 465 - by Adams: Extending congratulations to Kaufman County honorees of the Family Land Heritage Program.

S.R. 466 - by Brooks: Extending congratulations to Joe Morgan.

S.R. 467 - by Clower: Extending congratulations to Mr. and Mrs. Vincent W. Perini.

S.R. 468 - by Clower: Extending welcome to Maxine Storms.

S.R. 469 - by Snelson: Extending congratulations to Judge Barbara G. Culver.

S.R. 470 - by Snelson: Extending congratulations to Bob Bickley.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:21 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX**Sent to Governor**

(April 5, 1977)

S.B. 613
S.C.R. 45
S.C.R. 53

FORTY-SEVENTH DAY

(Wednesday, April 6, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Clower.

A quorum was announced present.

The Reverend Don Benton, Spring Valley United Methodist Church, Dallas, Texas, offered the invocation as follows:

Father, we affirm that You alone are worthy of our total allegiance. You are the source of our creation and the continuously sustaining power of our lives. Sensitize our sight then that we may see things as they are and understand what You would have them be. Then give us the faith and courage to reach to the limit of our vision of a world made better by You, through us. For Thy Holy Name's sake, and in quest of our own fulfillment we offer this prayer. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.